UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

KENNETH L. KELLEY, as the son, next of kin, and heir at law of JIMMY L. KELLEY, deceased)))
Plaintiff,)
HOWARD BERGER COMPANY, INC., HOWARD BERGER COMPANY, LLC., PRECISION MEDICAL, INC., AIRSEP CORPORATION, AMERICAN BANTEX CORPORATION, ROSCOE MEDICAL, INC. JOHN DOE and APRIA HEALTHCARE, INC.) 3:13-CV-00096) JURY DEMANDED)))))))))))))))))))
Defendants.	,

STIPULATION OF DISMISSAL

Come the plaintiff and defendant Howard Berger Company, LLC, incorrectly sued as Howard Berger Company, Inc. and Howard Berger Company, LLC, by and through their respective counsel of record, and announce to the Court that all matters in controversy by and between them have been resolved and settled. Accordingly, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, plaintiff and defendant Howard Berger Company, LLC, incorrectly sued as Howard Berger Company, Inc. and Howard Berger Company, LLC, jointly move for an Order dismissing all of the plaintiff's claims against defendant Howard Berger Company, LLC, incorrectly

sued as Howard Berger Company, Inc. and Howard Berger Company, LLC with prejudice.

Each party has agreed to bear its own costs.

Respectfully submitted this 7th day of February, 2014.

APPROVED FOR ENTRY:

LAW OFFICE OF ERIC B. FOUST

BY: /s/ Eric B. Foust by JAW w/ perm.
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